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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/361,626 07/27/99 MOK

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PILLSBURY MADISON & SUTRO LLP
INTELLECTUAL PROPERTY GROUP
1100 NEW YORK AVENUE NW
WASHINGTON DC 20005-3918

EXAMINER

CINTINS, I

ART UNIT

PAPER NUMBER

1724

DATE MAILED:

10
12/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/361,626

Applicant(s)
Mok et al.

Examiner
Ivars C. Cintins

Group Art Unit
1724



☒ Responsive to communication(s) filed on Oct 18, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-7, 9, and 10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7, 9, and 10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagy. As pointed out in a previous Office Action, Nagy discloses a process for removing trace amounts of aluminum from a sodium chloride brine by treating the brine with magnesium chloride to produce a magnesium concentration of at least about 5 ppm in the brine, and subsequently adding sodium hydroxide to this brine to provide an alkalinity concentration of 0.15 g/L in this brine, thereby forming a magnesium aluminum hydroxide precipitate. Accordingly, this reference discloses the claimed invention with the exception of the recited magnesium to aluminum molar ratio, and the exact magnesium concentration in the brine (i.e. less than 5 ppm). However, the exact magnesium to aluminum molar ratio in the reference process is not seen to materially affect the overall results of this process, or to produce any new and unexpected result; and is therefore deemed to be an obvious matter of


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choice, which is insufficient to patentably distinguish the claims. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a brine having a magnesium concentration slightly lower than that disclosed (e.g. 4.99 ppm) in the reference, since such a slightly lower magnesium concentration is also not seen to materially affect the overall results of the reference process, or to produce any new and unexpected result; and is therefore also deemed to be an obvious matter of choice, which is insufficient to patentably distinguish the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

The fax phone numbers for this art unit are: (703) 305-3599 for "Official" faxes after Final Rejection; (703) 305-7718 for all other "Official" faxes; and (703) 305-3602 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
December 6, 2000